

### REMARKS/ARGUMENTS

This is a full and timely response to the non-final Office Action dated August 25, 2006. A petition for a one month extension with authorization to charge a deposit account for the associated fee is filed herewith extending the response deadline to October 25, 2006.

The present application is a reissue application of U.S. Patent No. 5,631,827 that was issued on May 20, 1997. Claims 1-68, 71-89 and 99-104 were found patentable over the prior art of record in an Office Action dated November 4, 2004. However, in this same Office Action, these claims were rejected under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter which the Applicants regarded as the invention. A telephone interview was then conducted to discuss claim wording to overcome the U.S.C. §112 rejection. Thereafter, a full response to this rejection was filed February 2, 2005.

On July 12, 2006, a telephone interview was conducted between Examiner Poinvil and Applicants' counsel Mr. Jeffrey Young. In that interview, Examiner Poinvil indicated that an Office Action asserting non-compliant amendment would be issued and also identified three claims having antecedent basis issues (Claims 1, 27 and 42) and one duplicate claim (i.e. Claim 49). Applicants note that the antecedent basis and duplicate claim issues were not identified in the present Office Action. To facilitate allowance of the claims, the Applicants have corrected these issues with the present Amendment. Claim 49 has been canceled and the following new amendments have been made (shown in bold):

**Claim 1.** A logistics management tool to facilitate the process of shipping goods by a shipper via a selected one of a plurality of carriers, comprising:

a plurality of rate servers comprising computer-implemented rate storage and calculating means, at least one rate server for each of said plurality of carriers, at least one of said rate servers having message processing means for sending, receiving and handling messages;

at least one of said rate servers having database means for maintaining a record of [the] rates applicable to a given one of said carriers and further having an embedded set of predefined methods representing [the] rate computation rules of said given one of said carriers;

at least one client application comprising computer-implemented input and output means separate from said rate servers and having a user interface to permit the shipper to [interact with said logistics management tool in order to] process [the] a shipment of goods;

at least one of said rate servers having a shipper interface means for defining a set of operations accessible to said client application; the set of operations representing [the] a procedure by which the shipper ships goods to thereby isolate the set of operations by which **[a] said** shipper ships from [the] rules by which **[a] said** carrier transports;

at least one supervisory server for integrating operations of said at least one rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said at least one rate server and said client application and for handling messages sent and received based upon a predefined set of rules.

**Claim 27.** A logistics management system to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server, connected to a network, having a set of rules by which [a] said carrier transports;

a client application, connected to the network, having a set of rules by which [a] said shipper ships; and

a supervisory server, connected to the network, through which said rate server and said client application register to establish a mutual message communication capability by which said rate server and said client application thereafter pass messages independently of said supervisory server over an interface between them, said interface isolating the set of rules by which the shipper ships from the rules by which the carrier transports.

**Claim 42.** A logistics management system to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server having a record of one or more rates applicable to said carrier and further having an embedded set of predefined methods representing rate computation rules of said carrier, said rate server being connected to a network for sending, receiving and handling messages;

at least one client application connected to said network and is separately located from said rate server on said network, said client application having a user interface to permit the shipper to process shipments of goods;

said rate server having a shipper interface for defining a set of operations accessible to said client application, the set of operations representing a procedure by which the shipper ships goods to thereby isolate the set of operations by which [a] said shipper ships from rules by which [a] said carrier transports; and

at least one supervisory server for making said operations of said rate server accessible to said client application, said supervisory server being connected to said network for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules.

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In the present Office Action, the Examiner has objected to the manner in which the amendments were marked in the February 2, 2005 Amendment. In the present response, the Applicants have provided a replacement "Amendments to the Claims" section with all of the amendments presented in the February 2, 2005 Amendment marked according to 37 C.F.R. 1.173(b) as requested by the Examiner.

In view of the remarks presented above, it is respectfully submitted that Claims 1-48, 50-68, 71-89 and 99-104 of the present application are now in condition for allowance.

The Examiner has also commented, in the present Office Action, that a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be filed before the reissue application can be allowed. Two of the named inventors are no longer employed by the assignee, and one resides in Europe. Applicants are diligently working to confirm current addresses for these individuals to facilitate execution of a supplemental declaration. Given this situation, it will significantly advance the application toward allowance if a supplemental declaration will need to be presented to the inventors only once. Thus, the Applicants will benefit by resolving all issues regarding the claim language before presenting the claims with the supplemental declaration to the inventors.

The Applicants request an indication from the Examiner that the claims as presented in the present Amendment are acceptable to ensure that an executed supplemental declaration citing these claims will meet with the Examiner's approval and no further supplemental declarations will be required. Accordingly, the Applicants request a telephone interview with the Examiner to discuss the status of the claims such that an accurate and final supplemental declaration can be prepared for execution by the inventors. The Applicants also request a deferral of the requirement to file the supplemental declaration until the claims are approved.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Jeffrey A. Cooper  
Registration No. 54,757

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

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